

RECORD OF INTERVIEW AND REASONS FOR ALLOWANCE

This is to record matters discussed during the December 12, 2008 telephonic interview among Examiner Neil S. Levy (Primary Examiner) and Applicant's representative Thomas J. Kowalski (Attorney, Reg. No. 32,147). Examiner Levy is thanked for the many courtesies extended during the interview.

The office action, cited references and proposed claim amendments were discussed. Examiner Levy indicated to Tom Kowalski that the proposed claims were allowable and the reasons for allowance are provided below.

- (1) The Examples in the specification demonstrate surprising superiority of the combination of fipronil and amitraz. In particular, there is no linear relationship when fipronil and amitraz are administered in combination as compared to fipronil alone. For example, as shown in Example 6, on Day 28, treatment with 10% of fipronil results in 21.3% efficacy against fleas. In comparison, on Day 28, treatment with 10% fipronil and 12% amitraz results in 95.2% efficacy against fleas. If there was a linear relationship between fipronil and amitraz, about 42% efficacy would have been expected. In contrast, there was a 95.2% efficacy—double the expected effect.
- (2) The cited references do not teach or suggest the combination of fipronil and amitraz especially in a spot-on formulation for localized application less than 10 cm².
- (3) The recitations in the preamble relate to a veterinary parasitical spot-on formulation indicates that the claimed formulation is not merely an agriculture formulation.
- (4) The recitation of “consisting essentially of” has the meaning ascribed to it in the specification and the case law.

Accordingly, a summary and record of the interview and reasons for allowance are provided herewith.